

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 25580A

PERMIT 17513A

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,  
DIRECTING ISSUANCE OF SEPARATE PERMITS  
AND REVOCATION OF THE ORIGINAL PERMIT,  
ADDITION OF POINTS OF DIVERSION AND REDIVERSION,  
CHANGE IN PURPOSE OF USE AND PLACE OF USE, AND  
AMENDING THE PERMIT

WHEREAS:

1. Permit 17513 was issued to Joseph Ghisletta, Jr., Steven Ghisletta, and Mary Maggiora on January 12, 1979.
2. A petition for extension of time within which to develop the project and apply the water to the proposed use and a request for division of the permit and a petition to add two points of diversion and rediversion, a change in character of use and place of use have been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said changes.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Permit Condition 12 pertaining to the continuing authority of the Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit 17513A be replaced by Permits 17513A-1 and 17513A-2.
2. Permit 17513A is hereby revoked upon issuance of Permits 17513A-1 and 17513A-2.
3. Separate permits shall be issued as follows:

Permit:	17513A-1
Owner:	Joseph P. Ghisletta, Steven Ghisletta and Mary Maggiora
Source:	Unnamed Stream tributary to Napa River
Use:	Irrigation, Frost Protection and Stockwatering
Amount:	35 acre-feet per annum to storage
Season:	November 1 to May 31
Development Schedule:	Complete construction by December 1, 1990 and application of the water to the proposed uses shall be made on or before December 1, 1991.

Points of  
Diversion  
to Offstream  
Storage:

(1) North 2,040 feet and East 1,550 feet from S $\frac{1}{2}$  corner of projected Section 17, T5N, R4W, MDB&M, being within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said projected Section 17 also described as California Coordinates, Zone 2, N 222,900 feet and E 1,907,100 feet.

(2) North 2,200 feet and East 1,000 feet from S $\frac{1}{2}$  corner of projected Section 17, T5N, R4W, MDB&M, being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said projected Section 17 also described as California Coordinates, Zone 2, N 222,700 feet and E 1,907,700 feet.

Offstream  
Storage:

At Unnamed Reservoir within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M.

Place of Use:

Stockwatering at reservoir within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M.

Irrigation and Frost Protection of 63 acres as follows:

15 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M  
 35 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M  
 6 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M  
 7 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M

Total 63 acres

Permit: 17513A-2  
 Owner: Richard E. Hyde, and Richard E. Hyde, Jr., Trustees  
 Source: Unnamed Stream tributary to Napa River  
 Use: Irrigation and Frost Protection  
 Amount: 14 acre-feet per annum to storage  
 Season: November 1 to May 31  
 Development  
 Schedule: Complete construction by December 1, 1990 and application of the water to the proposed uses shall be made on or before December 1, 1991.

Point of  
Diversion  
to Offstream  
Storage:

(1) South 500 feet and West 400 feet from NE corner of projected Section 20, T5N, R4W, MDB&M, being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said projected Section 20 also described as California Coordinates, Zone 2, N 220,300 feet and E 1,908,300 feet.

Offstream  
Storage:

At Unnamed Reservoir within N $\frac{1}{2}$  of NE $\frac{1}{4}$  of projected Section 20, T5N, R4W, MDB&M.

Place of Use:

Stockwatering at reservoir within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M.

Irrigation and Frost Protection of 40 acres as follows:

13 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M  
 27 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 17, T5N, R4W, MDB&M

Total 40 acres

Permit 17513A (Application 25580A)  
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4. All of the other conditions of the permit shall be retained with the exception of Condition 12, which will be updated with the current version of standard Permit Term 12.

Dated:       DECEMBER 07 1988

*for* *Walter G. Pettit*  
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

**ORDER**

APPLICATION 25580A

PERMIT 17513A

LICENSE                     

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 1, 1985


2. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1986

MARCH 15 1984

Dated:

  
Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

17513A  
PERMIT\_\_\_\_\_

Application 25580A of Joseph Ghisletta, Jr., Steven Ghisletta,  
and Mary Maggiora;  
c/o Joseph Ghisletta III, 1732 Jefferson Street, Suite 1, Napa, California 94559

filed on November 29, 1977, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source: Tributary to:  
Unnamed Stream Napa River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Diversion to Offstream Storage: North 2,040 feet and West 1,320 feet from S $\frac{1}{4}$ corner of Projected Section 17	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	5N	4W	MD
Storage and Rediversion: North 1,890 feet and West 1,260 feet from SE corner of Projected Section 17	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	5N	4W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Frost Protection						
Irrigation	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	17	5N	4W	MD	
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	5N	4W	MD	
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	17	5N	4W	MD	
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	5N	4W	MD	
					Total	103

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 49 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The maximum rate of diversion to offstream storage shall not exceed 3 cubic feet per second.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

8. Construction work shall be completed by December 1, 1982.

9. Complete application of the water to the authorized use shall be made by December 1, 1983.

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

14. The State Water Resources Control Board reserves jurisdiction over this permit to impose any appropriate conditions at some future date to conform the permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.


Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

**Dated:**

DECEMBER 30 1982

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights